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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,473

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Cary Lee Bates

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EXAMINER

RIES, LAURIE ANNE

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,473	<b>Applicant(s)</b> BATES ET AL.	
	<b>Examiner</b> LAURIE RIES	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This action is responsive to communications: Response to Election/Restriction, filed 12 December 2007, to the Original Application, filed 16 October 2003.
2. Claims 1-14 and 19-29 are pending. Claims 1, 10, and 19 are independent claims.

***Election/Restrictions***

3. Applicant's election without traverse of Group I, claims 1-14 and 19-29 in the reply filed on 12 December 2007 is acknowledged.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 19-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**As per independent claim 19**, the language of the claim appears to describe a computer program per se. As such, this raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

One technique for satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein that code produces a tangible result.

Additionally, independent claim 19 and dependent claim 21 include computer-readable signal bearing media. A signal has no physical structure and does not itself perform any useful, concrete and tangible result. As such, claims 19 and 21 are ineligible for patent protection because they do not fall within any of the four statutory categories of invention as defined by 35 U.S.C. 101.

**Claims 20-29 are** dependent upon claim 19 and do not add any limitations that would render the claim statutory under 35 USC 101. Therefore, these claims are likewise rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 9, 19-22, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith III (U.S. Patent 7,233,950 B2) in view of (Story (U.S. Publication 2002/0129058 A1).

**As per independent claim 1**, Smith III teaches an apparatus including at least one processor, such as a server (See Smith III, Column 4, lines 50-56).

Smith III also teaches a memory coupled to the at least one processor (See Smith III, Column 9, lines 5-44).

Smith III also teaches a web page residing in the memory (See Smith III, Figure 5, and Column 9, lines 45-54).

Smith also teaches displaying the web page in a manner that provides a visual indication of frequency of use for at least one portion of the web page, such as displaying the portions of the web page referring to hyperlinks according to their number of hits, or frequency of use information (See Smith III, Figure 5, elements 152 and 153, and element 156).

While Smith III teaches editing a web page (See Smith III, Column 3, lines 33-58), Smith III does not teach expressly a web page development environment residing in a memory and executed by a processor.

Story teaches a web page development environment and publishing system residing in a memory and executed by a processor, as shown in Story, Figure 6 (See also Story, Page 2, paragraphs 0010-0014).

Smith III and Story are analogous art because they are from the same field of endeavor of displaying web pages.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the web page development environment of Story with the apparatus of Smith III. The motivation for doing so would have been to allow web developers or designers to identify popular web objects from which they can guide users, and to clearly show those web objects which are rarely accessed and may need to be repositioned or discarded by the web developer or designer, to obtain the invention as specified in claim 1.

**As per dependent claim 2**, Smith III and Story teach the limitations of claim 1 as described above. Smith III also teaches displaying a number of links in a web page in a manner that indicates frequency of use for each link, such as displaying the portions of the web page referring to hyperlinks according to their number of hits, or frequency of use information (See Smith III, Figure 5, elements 152 and 153, and element 156).

**As per dependent claim 9**, Smith III and Story teach the limitations of claim 1 as described above. Smith III also teaches displaying at least one search term in the web

page in a manner that indicates frequency of use for the at least one search term in invoking the web page (See Smith III, Column 5, lines 64-67, Column 6, lines 1-10, and Column 12, lines 10-28).

**As per independent claim 19**, Smith III teaches a program product including (A) displaying a web page in a manner that provides a visual indication of frequency of use for at least a portion of the web page, such as displaying the portions of the web page referring to hyperlinks according to their number of hits, or frequency of use information (See Smith III, Figure 5, elements 152 and 153, and element 156).

Smith III also teaches (B) computer-readable signal bearing media bearing the web page development environment, such as the Internet (See Smith III, Column 1, lines 16-23).

While Smith III teaches editing a web page (See Smith III, Column 3, lines 33-58), Smith III does not teach expressly a web page development environment residing in a memory and executed by a processor.

Story teaches a web page development environment and publishing system residing in a memory and executed by a processor, as shown in Story, Figure 6 (See also Story, Page 2, paragraphs 0010-0014).

Smith III and Story are analogous art because they are from the same field of endeavor of displaying web pages.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the web page development environment of Story with the apparatus of Smith III. The motivation for doing so would have been to allow web developers or

designers to identify popular web objects from which they can guide users, and to clearly show those web objects which are rarely accessed and may need to be repositioned or discarded by the web developer or designer, to obtain the invention as specified in claim 19.

**As per dependent claim 20**, Smith III and Story teach the limitations of claim 19 as described above. Smith III also teaches recordable media (See Smith III, Column 9, lines –44).

**As per dependent claim 21**, Smith III and Story teach the limitations of claim 19 as described above. Smith III also teaches transmission media, such as the Internet (See Smith III, Column 1, lines 16-23).

**As per dependent claim 22**, Smith III and Story teach the limitations of claim 19 as described above. Smith III also teaches displaying a number of links in a web page in a manner that indicates frequency of use for each link (See Smith III, Figure 5, elements 152 and 153).

**As per dependent claim 29**, Smith III and Story teach the limitations of claim 19 as described above. Smith III also teaches displaying at least one search term in the web page in a manner that indicates frequency of use for the at least one search term in invoking the web page (See Smith III, Column 5, lines 64-67, Column 6, lines 1-10, and Column 12, lines 10-28).



6. Claims 3-5, 7, 23-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith III (U.S. Patent 7,233,950 B2) in view of (Story (U.S. Publication 2002/0129058 A1) as applied to claims 2 and 22 above, and further in view of Toivonen (U.S. Patent 7,257,598 B2).

**As per dependent claim 3**, Smith III and Story teach the limitations of claim 2 as described above. Smith III and Story do not teach expressly a disambiguator that processes the plurality of links to assure each of the plurality of links is unique. Toivonen teaches a method for generating descriptive link names including determining whether a link name exists and naming additional links based on the determination, thus disambiguating additional link names (See Toivonen, Column 19, claim 19, and Column 2, lines 26-59). Smith III, Story, and Toivonen are analogous art because they are from the same field of endeavor of displaying web pages. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the disambiguation of link names as taught by Toivonen with the web page development environment of Smith III and Story. The motivation for doing so would have been to provide a descriptive name for a link such that the page to which the link refers may be easily identified by the user and not confused with other similarly named links. Therefore, it would have been obvious to combine Toivonen with Smith III and Story for the benefit of providing a descriptive name for a link such that the page to which the link refers may be easily identified by the user and not confused with other similarly named links to obtain the invention as specified in claim 3.

**As per dependent claim 4**, Smith III, Story, and Toivonen teach the limitations of claim 3 as described above. Story also teaches processing links prior to publishing a web page (See Story, Figure 11, and Page 2, paragraph 0010). ). Smith III, Story, and Toivonen are analogous art because they are from the same field of endeavor of displaying web pages. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the processing of links prior to publishing a web page, as taught by Story, with the apparatus of Smith III, Story, and Toivonen. The motivation for doing so would have been to ensure that all the links are active, up-to-date, and error-free prior to releasing the web page to users. Therefore, it would have been obvious to combine Story with Smith III, Story, and Toivonen for the benefit of ensuring that all the links are active, up-to-date, and error-free prior to releasing the web page to users to obtain the invention as specified in claim 4.

**As per dependent claim 5**, Smith III, Story, and Toivonen teach the limitations of claim 3 as described above. Toivonen also teaches uniquely naming each link in the web page (See Toivonen, Column 2, lines 60-67). Smith III, Story, and Toivonen are analogous art because they are from the same field of endeavor of displaying web pages. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the uniquely naming each link in the web page, as taught by Toivonen with the web page development environment of Smith III, Story, and Toivonen. The motivation for doing so would have been to provide a descriptive name for a link such that the page to which the link refers may be easily identified by the user and not confused with other similarly named links. Therefore, it would have been obvious to

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combine Toivonen with Smith III and Story for the benefit of providing a descriptive name for a link such that the page to which the link refers may be easily identified by the user and not confused with other similarly named links to obtain the invention as specified in claim 5.

**As per dependent claim 7**, Smith III, Story, and Toivonen teach the limitations of claim 3 as described above. Toivonen also teaches copying and renaming a web page for each link that is identical to a first link, and causing the link to point to the renamed web page (See Toivonen, Column 8, lines 14-27). Smith III, Story, and Toivonen are analogous art because they are from the same field of endeavor of displaying web pages. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the copying and renaming a web page for each link that is identical to a first link, and causing the link to point to the renamed web page, as taught by Toivonen, with the web page development environment of Smith III, Story, and Toivonen. The motivation for doing so would have been to provide a descriptive name for a link to point to particular information such that the page to which the link refers may be easily identified by the user and not confused with other similarly named links. Therefore, it would have been obvious to combine Toivonen with Smith III, Story, and Toivonen for the benefit of providing a descriptive name for a link to point to particular information such that the page to which the link refers may be easily identified by the user and not confused with other similarly named links, to obtain the invention as specified in claim 7.

**As per dependent claim 23**, Smith III and Story teach the limitations of claim 22 as described above. Claim 23 additionally incorporates substantially similar subject matter as that of claim 3 above, and is additionally rejected along the same rationale as used in the rejection of claim 3.

**As per dependent claim 24**, Smith III, Story, and Toivonen teach the limitations of claim 23 as described above. Claim 24 additionally incorporates substantially similar subject matter as that of claim 4 above, and is additionally rejected along the same rationale as used in the rejection of claim 4.

**As per dependent claim 25**, Smith III, Story, and Toivonen teach the limitations of claim 23 as described above. Claim 25 additionally incorporates substantially similar subject matter as that of claim 5 above, and is additionally rejected along the same rationale as used in the rejection of claim 5.

**As per dependent claim 27**, Smith III, Story, and Toivonen teach the limitations of claim 23 as described above. Claim 27 additionally incorporates substantially similar subject matter as that of claim 7 above, and is additionally rejected along the same rationale as used in the rejection of claim 7.

7. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith III (U.S. Patent 7,233,950 B2) in view of Story (U.S. Publication 2002/0129058 A1) and Toivonen (U.S. Patent 7,257,598 B2) as applied to claims 3 and 23 above, and further in view of Smith (U.S. Patent 6,578,078 B1).

**As per dependent claim 6**, Smith III, Story, and Toivonen teach the limitations of claim 3 as described above. Smith III, Story, and Toivonen do not teach expressly creating a redirection page for each link that is identical to a first link. Smith teaches a method for preserving referential integrity within web sites that includes creating a redirection page to redirect a browser to a new location for a document (See Smith, Column 8, lines 60-67, and Column 9, lines 1-22). Smith III, Story, Toivonen, and Smith are analogous art because they are from the same field of endeavor of displaying web pages. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the redirection page creation of Smith with the link disambiguation of Smith III, Story, and Toivonen. The motivation for doing so would have been to allow users to access pages that have been moved from their original locations to new locations while informing the user of a new link that will allow the user to access the page directly in the future. Therefore, it would have been obvious to combine Smith with Smith III, Story, and Toivonen for the benefit of allowing users to access pages that have been moved from their original locations to new locations while informing the user of a new link that will allow the user to access the page directly in the future to obtain the invention as specified in claim 6.

**As per dependent claim 26**, Smith III, Story, and Toivonen teach the limitations of claim 23 as described above. Claim 26 additionally incorporates substantially similar subject matter as that of claim 6 above, and is additionally rejected along the same rationale as used in the rejection of claim 6.

8. Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith III (U.S. Patent 7,233,950 B2) in view of (Story (U.S. Publication 2002/0129058 A1) as applied to claims 2 and 22 above, and further in view of Ronald (U.S. Publication 2003/0038836 A1).

**As per dependent claim 8**, Smith III and Story teach the limitations of claim 2 as described above. Smith III and Story do not teach expressly an access log residing in the memory, the access log indicating historical frequency of use for each of the plurality of links in the web page. Ronald teaches a web mapping tool that includes a server log indicating the number of hits (i.e. frequency of use) over a time interval (See Ronald, Page 6, paragraph 0139). Smith III, Story, and Ronald are analogous art because they are from the same field of endeavor of displaying web pages. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the server log indicating frequency of use information of Ronald with the method of displaying a web page including frequency of use information of Smith III and Story.

The motivation for doing so would have been to allow web designers to identify popular web objects from which they can guide users to order forms and other priority web objects, and to clearly show those web objects which are rarely accessed and may need to be repositioned or discarded (See Ronald, Page 6, paragraph 0139).

Therefore, it would have been obvious to combine Ronald with Smith III and Story for the benefit of allowing web designers to identify popular web objects from which they can guide users to order forms and other priority web objects, and to clearly show those web objects which are rarely accessed and may need to be repositioned or discarded, to obtain the invention as specified in claim 8.

**As per dependent claim 28**, Smith III, Story, and Toivonen teach the limitations of claim 22 as described above. Claim 28 additionally incorporates substantially similar subject matter as that of claim 8 above, and is additionally rejected along the same rationale as used in the rejection of claim 8.

9. Claim 10 and 12-14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith III (U.S. Patent 7,233,950 B2) as applied to claim 10 above, and further in view of Rivette (U.S. Patent 6,877, 137 B1).

**As per independent claim 10**, Smith III teaches a method for displaying a web page including (A) determining frequency of use information for past accesses of the

web page, as shown in Smith III, Figure 5, element 156, showing the number of hits (i.e. past accesses) of a web page (See also Smith III, Column 13, lines 38-51).

Smith III also teaches displaying on the web page at least one portion of the web page according to the frequency of use information, such as displaying the portions of the web page referring to hyperlinks according to their number of hits, or frequency of use information (See Smith III, Figure 5, elements 152 and 153).

Smith does not teach expressly highlighting the portion of the web page. Rivette teaches highlighting portions of web pages, such as using particular fonts, patterns, and/or colors, display icons and/or buttons, etc (See Rivette, Column 12, lines 11-16).

Smith III and Rivette are analogous art because they are from the same field of endeavor of displaying web pages.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the highlighting of a portion of a web page, as taught by Rivette, with the frequency of use information of Smith III. The motivation for doing so would have been to draw the user's attention to the frequency of use information, thus stressing to the user the popularity of various hyperlinks included on the web page.

Therefore, it would have been obvious to combine Rivette with Smith III for the benefit of drawing the user's attention to the frequency of use information, thus stressing to the user the popularity of various hyperlinks included on the web page, to obtain the invention as specified in claim 10.

**As per dependent claim 12**, Smith III and Rivette teach the limitations of claim 10 as described above. Smith III also teaches visually indicating a range of frequency



of use, such as the number of hits on a hyperlink included on the web page (See Smith III, Figure 5, element 156).

**As per dependent claim 13**, Smith III and Rivette teach the limitations of claim 10 as described above. Smith III also teaches displaying a plurality of links in a web page in a manner that indicates frequency of use for each link (See Smith III, Figure 5, elements 152 and 153).

**As per dependent claim 14**, Smith III and Rivette teach the limitations of claim 10 as described above. Smith III also teaches displaying at least one search term in the web page in a manner that indicates frequency of use for the at least one search term in invoking the web page (See Smith III, Column 5, lines 64-67, Column 6, lines 1-10, and Column 12, lines 10-28).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith III (U.S. Patent 7,233,950 B2) in view of Rivette (U.S. Patent 6,877, 137 B1) as applied to claim 10 above, and further in view of Ronald (U.S. Publication 2003/0038836 A1).

**As per dependent claim 11**, Smith III and Rivette teach the limitations of claim 10 as described above. Smith III and Rivette do not teach expressly examining frequency of use information for the web page from an access log corresponding to the web page. Ronald teaches a web mapping tool that includes a server log indicating the

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number of hits (i.e. frequency of use) over a time interval (See Ronald, Page 6, paragraph 0139). Smith III, Rivette, and Ronald are analogous art because they are from the same field of endeavor of displaying web pages. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the server log indicating frequency of use information of Ronald with the method of displaying a web page including frequency of use information of Smith III and Rivette. The motivation for doing so would have been to allow web designers to identify popular web objects from which they can guide users to order forms and other priority web objects, and to clearly show those web objects which are rarely accessed and may need to be repositioned or discarded (See Ronald, Page 6, paragraph 0139). Therefore, it would have been obvious to combine Ronald with Smith III and Rivette for the benefit of allowing web designers to identify popular web objects from which they can guide users to order forms and other priority web objects, and to clearly show those web objects which are rarely accessed and may need to be repositioned or discarded, to obtain the invention as specified in claim 11.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dolan (U.S. Patent 5,801,702) discloses a system and method for adding network links in a displayed hierarchy.
- Morel (U.S. Patent 5,721,919) discloses a method and system for the link tracking of objects.
- Crouthamel (U.S. Patent 7,249,056 B1) discloses a method and system for exchanging data between affiliated sites.
- Ki (U.S. Publication 2004/0187076 A1) discloses a redirection technique based control method for Internet contents providing services.
- Daneels (U.S. Patent 6,038,598) discloses a method for providing one of a plurality of Web pages mapped to a single Uniform Resource Locator (URL) based on the evaluation of a condition.
- Haveliwala discloses topic-sensitive page rank.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laurie Ries/  
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